

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE GENETICALLY MODIFIED) 4:06MD1811 CDP
RICE LITIGATION)

This Order Relates to:

Veetee Rice Limited
v. Riceland Foods, Inc., et al. 4:07CV1211 CDP

MEMORANDUM AND ORDER

Plaintiff Veetee Rice Limited moves to compel Riceland Foods, Inc. and the other defendants in this member case to appear at a mediation scheduled for September 7, 2010 and to negotiate in good faith. When Veetee filed its motion, all of the defendants except Riceland had previously agreed to appear at the mediation. In its response, Riceland has also volunteered to appear at the mediation with counsel and with a corporate representative.

Nonetheless, Veetee continues to argue that this Court should order all parties to mediate and to negotiate in good faith. When it is appropriate, a court may order the parties to attend mediation and to negotiate in good faith. Fed. R. Civ. P. 16(c)(2) (West 2010); E.D. Mo. Loc. R. 6.01, 6.02 (2010). At present, all of the parties have volunteered to appear at the mediation with a corporate representative and I expect those appearing at the mediation to negotiate in good faith. I understand that plaintiffs are concerned that certain defendants may appear

without intending to settle the case for a specific dollar amount, but an order compelling them to mediate in good faith would not require defendants to settle for an objectively reasonable amount or any amount at all. As a result, it is not necessary or appropriate to order the parties in this case to appear at a mediation they have already agreed to attend.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to compel mediation [#3254] is DENIED.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 1st day of September, 2010.